

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING ORDINANCE NUMBER 2014.01, THE GOLF CART AND UTILITY VEHICLE ORDINANCE; PROVIDING FOR FINDINGS OF FACT, AMENDMENT, ENFORCEMENT, INCLUDING A CRIMINAL FINE NOT TO EXCEED \$500 PER VIOLATION, A REPEALER, SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND IMPOSING PENALTIES.

WHEREAS, the Village of Salado, Texas (hereinafter "Village") passed Ordinance Number 2014.01 allowing for the use of golf carts and utility vehicles on the streets and highways within the Village limits; and

WHEREAS, the Legislature of the State of Texas has recently passed and enacted House Bill 1548 amending, among other things, the Transportation Code modifying the rules for the operation of golf carts and utility vehicles within municipalities; and

WHEREAS, the Village has reviewed the requirements and provisions of newly-enacted Transportation Code Section 551.404 relating to the use and operation of golf carts and utility vehicles within municipalities, and determines such provisions to be desirable to the tourism, economic development, and quality of life of Village of Salado; and

WHEREAS, the Village has determined that necessary regulations, enforcement provisions and guidelines related to the use and operation of golf carts and utility vehicles within the village limits of the Village will protect the safety, and welfare of its citizens and visitors to the Village; and

WHEREAS, the Village has the authority to enact and impose necessary regulations and provisions related to the use and operation of golf carts and utility vehicles within the municipality under Chapter 551 of the Transportation Code, and Chapter 51 of the Texas Local Government Code; and

WHEREAS, being a general-law municipality, the Village has exclusive control over the highways, streets, and alleys of the municipality, pursuant to Texas Transportation Code § 311.002; and

WHEREAS, the Village has the authority to designate the streets within the village limits on which the operation and use of golf carts and utility vehicles will be permitted.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

Section 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference and expressly made a part hereof, as if copied verbatim.

Section 2. That "SECTION 3. OPERATION OF GOLF CARTS" of Ordinance No. 2014.01 is amended by adding the following provisions:

C. Nighttime Operation Permitted: The Village hereby allows the operation at night of golf carts and utility vehicles, as defined by the Texas Transportation Code, on Public Streets in accordance with state law.

D. Golf Cart and Utility Vehicle Equipment: All golf carts and utility vehicles operated on Village streets and highways must have the following equipment required by state law: headlamps, taillamps, reflectors, parking brake, mirrors and must display a slow-moving vehicle emblem.

Section 3. Criminal Prosecution. Any person violating any provision of the Golf and Utility Vehicle Ordinance, as amended, shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). An offense under this Ordinance is a Class "C" misdemeanor.

Section 4. Civil Remedies. Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.

Section 5. All rights and remedies of the Village of Salado, Texas, are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. All ordinances or resolutions that conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

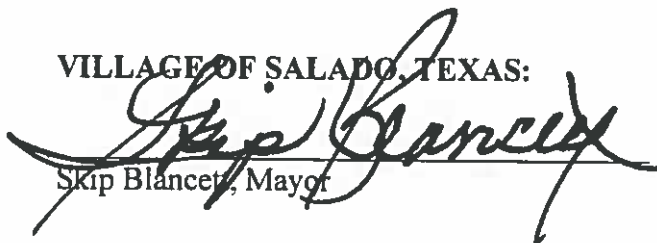
Section 7. If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 8. The Mayor is hereby authorized to sign this ordinance and the Village Secretary to attest. This Ordinance shall become effective immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED & APPROVED on this, the 19th day of September 2019, by a vote of 3 (ayes) to 2

(nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO, TEXAS:


Skip Blancett, Mayor

ATTEST:


Cara McPartland, City Secretary



APPROVED AS TO FORM


Alan J. Bojorquez, City Attorney